

OCA 88-2167
27 June 1988

OCA FILE

*Edley**Leg**SSCI*

MEMORANDUM FOR THE RECORD

SUBJECT: Federal Energy Improvement Act (HR 4065)

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1. On 27 June 1988, [] Deputy Chief, Facilities Management Division, Office of Logistics and I met with Britt Snider, minority counsel for the SSCI, to present Agency concerns on the subject bill and to seek Snider's support in obtaining relief from the reporting requirement mandated in the bill. The attached paper outlines the problems and changes we sought.

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2. [] advised that the Agency was in the process of converting to stand alone computers which draw considerably more electricity. As a result, the Agency would not be able to achieve the goal established under HR 4065. [] than indicated that the requirement that the Agency report to the Secretary of Energy, under Section 549(a), on progress toward achieving the goal, the incentive program, and the number of contracts entered into under title VII of this Act could risk identifying []

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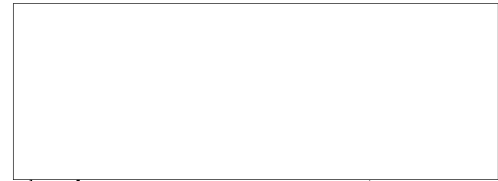
3. Snider was polite but not particularly impressed with the argument. He asked if there were not some way to work out an arrangement with the Department of Energy which would permit the Agency to withhold identification [] [] indicated that such was possible; similar arrangements had been worked out with other agencies where reports were required. Snider asked why the Agency is seeking a legislative change when, in his view, all the Agency had to do was assert its special authorities. I advised Snider that we preferred a legislative change because the Agency wanted to avoid, where possible, citing the DCI's authorities. At that point, I handed Snider a copy of the language change we sought. Snider said he would think about what we had said.

4. I subsequently called Snider and asked him what he really thought. He reported that he doubted the sponsors of the bill would be sympathetic. However, he would make a call to the Senate staff of the Energy and Natural Resources Committee to check out their reaction. He asked if I would do the same on the House side. I informed Snider, I had already worked the House Energy and Commerce Subcommittee. I had spoken with a Richard Counihan, a staffer from the Subcommittee on Energy and Power, last week. Counihan thought the Agency position on reporting to be "without merit". He had seen reports from Energy Department provided to Congress, and he never seen any specific information about particular

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buildings. Moreover, he argued the reporting required to DOE was so general there was nothing required, in his view, which would cause the Agency to reveal sensitive facilities. Snider said it was probably not worth the battle if the House was opposed.

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Congressional Affairs

cc: DDA
D/OL
D/FMD/OL
D/OCA
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HR 4065--Federal Energy Management Improvement Act

PROBLEMS

Section 543: Improve the design of Federal buildings such that energy consumption per gross square foot in use during FY 1995 is at least 10% less than that used in FY 1985.

Section 550 (6): 'Federal building' means any building, structure, or facility, or part thereof, including the associated energy consuming support systems, which is constructed, renovated, leased, or purchased in whole or in part for use by the Federal Government... such term also means a collection of buildings, structures, or facilities...

PROBLEM: Increased use of computers, especially personal computers, will raise energy consumption significantly over the next 5 years.

Section 549 requires at least annual reports to the Secretary of Energy on: (1) progress in achieving goal; (2) incentive program; (3) number on contracts entered into under title VIII of this act.

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CHANGES

Revise Section 549 (a) REPORTS TO THE SECRETARY-- To the extent otherwise permitted by law, each agency shall transmit a report to the Secretary, at times specified by the Secretary but a least annually, with complete information on its activities under this part, including information on...

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